

Nutrition Labeling Stakeholder Meeting Notes

May 27, 2009

1:00 PM – 2:15 PM

Chinook Building

Industry representatives attending: Wes Benson, Taco Time; Becki Holmes, Starbucks; Randy Steig, Dominos; Josh McDonald, WRA; attending by phone: Stacy Marler, Del Taco; Margaret Grant, Denny's; Michelle Ratsch, McDonalds; Kevin Bechtel, Shari's; Heather Peters, Dairy Queen

Public Health representatives: Donna Oberg; Dennis Worsham; Mark Rowe; Morgan Barry; Leonard Winchester; and evaluation team: Nadine Chan, Molly McNees & Luiza Marinesco

Compliance update for both Trans Fat (TF) and Nutrition Labeling (NL):

Trans Fat, 2nd phase, that went into effect February 1, 2009: from that date on, no foods being prepared and/or being served outside of the original packaging may contain 0.5 g of TF or more per serving of partially hydrogenated shortening. As of the end of March, 97%+ of restaurants inspected were in compliance.

Nutrition Labeling: The regulation went into effect January 1, 2009. As of the end of March, 71% were in compliance.

PHSKC has been working with many of the chains by reviewing menu/menu board & nutritional information mock ups before they go to the printer. PHSKC recognizes and appreciates that most of the chains are doing and will do what's required to meet the regulation.

Inspection time discussion: *Question:* "How much additional time is EH finding that it takes inspectors to do both TF and NL?" *Answer:* Inspectors haven't started marking that on their inspections sheets at this time, but Mark Rowe is "comfortable saying 5 to 10 additional minutes."

NL Evaluation Update: PHSKC is using several evaluation methods to determine the effectiveness of the NL regulation. For most of the evaluation methodology, PHSC has a grant from Robert Wood Johnson and is working on the evaluation with two other jurisdictions: NYC and Multnomah County in Oregon.

Evaluation:

1. *Point of purchase interviews:* starting last fall, before the regulation went into effect, and again this spring, interviewers from an outside research firm interviewed 250 customers at each of 50 randomly selected chain restaurants. The interviewers ask customers whether they saw the calorie and other required nutrition information, if they used the information to

order, and if they knew the number of calories a typical adult needs in a day. Baseline results are expected this fall.

2. *Menu review*: reviewing menus from chain restaurants before and after the regulation went into effect to determine whether there has been any change in 1) the standard menu item portion size, 2) new alternatives offered, and 3) whether/how healthy options are being promoted.
3. *BRFSS (Behavioral Risk Factor Surveillance Survey)*: 1949 telephone surveys done in 2008: 65% had eaten in fast food restaurants in the previous 7 days, 18% said they had seen the calorie information. The follow-up phone surveys are being conducted now to see if there is a change since the regulation went into effect Jan. 1st.
4. *Sales information*: PHSKC has contracted with a health economist from Research Triangle Institute to evaluate sales receipt information from chain restaurants to determine whether there has been any significant change in ordering practices since the regulation went into effect. Sales information will be analyzed to compare before and after the regulations went into effect. Two chains have agreed to participate. Other chains willing or interested in participating, please contact Nadine Chan at Nadine.chan@kingcounty.gov.
5. *Qualitative*: a case study is planned to assess the process of developing and implementing the regulation, and its impact. Interviews will be conducted with people from industry, public health, KC Board of Health. Focus groups of customers will also be held to assess the regulations impact from their perspective.

Feedback from industry on implementation:

- The industry described appreciation about:
 - Having approved alternatives: for menu boards, sign in queue, sign adjacent; for menus, an insert, appendix, supplemental menu, or electronic kiosk.
- Challenges with regulation:
 - The expense to franchisees to remove existing take out menus and replace with ones that meet the regulation. Franchisees incurred the expense for these items from corporate, and the original menus were already been paid.
 - Would like to see “1 size fits all” for regulation requirements – it’s very expensive to create different signage, etc for each jurisdiction with a regulation. One company will be looking at each ordinance, find the most restrictive, and work to that standard
 - Corporate can “tell stores” what the expectations are, but their 1st priority is serving customers – making significant changes to protocol takes time.

- Question: how soon after a standard menu item is changed does the new nutrition labeling need to appear on the menu, menu board or with the additional nutrition information?
 - PHSKC proposed the nutrition information be changed within 90 days.
 - Industry response: There may be something new each month – when do the 90 days begin?
 - 2 of the industry representatives shared that they print 3X a year, and that changes can be/are made up to the last minute.
 - Legally, when there is a new formulation for a standard recipe item and/or a chain has been asked to update their nutrition information, the chain is out of compliance until that update is completed.
 - Industry asked how PHSKC will inspect for updated nutrition information. Answer: to be determined.
 - PHS&KC will take this question back for resolution.
- Education Campaign:
 - Bus cards to promote reading labels to make informed choices
 - Radio public service announcements – on 3 stations for 3 weeks
 - Nutrition education toolkit and Fast Food Challenge game
 - Nutrition labeling information for restaurant staff

All of the Education Campaign materials are available on the web site at:

www.kingcounty.gov/health/healthyeating

Another resource for industry is the “Nutrition Labeling information for staff” flyer. It can be found at

<http://www.kingcounty.gov/healthservices/health/nutrition/healthyeating/menu/helpcenter.aspx>

It was understood and agreed upon by all that industry is making a “good faith” effort to meet the regulation. PHS&KC has had the opportunity to work with many industry representatives, as they prepare for meeting the regulation, and has been very impressed with the industry’s responsiveness.

